

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

Joseph D. Dantzler, Jr.,)
Plaintiff,) Civil Action No.: 3:15-cv-05100-JMC
v.)
Time Warner Cable; Sedgwick Claims)
Management Services,)
Defendants.)

)

ORDER AND OPINION

This matter is before the court on Plaintiff Joseph Dantzler's ("Plaintiff") Request for Reconsideration. (ECF No. 63.) Plaintiff requests that this court reconsider its Order adopting the Report and Recommendation of the Magistrate Judge ("Report") entered on August 9, 2016, (ECF No. 59). In that Order, this court reviewed the Report of the Magistrate Judge for clear error because Plaintiff failed to file objections. (ECF No. 59.) The court declined to rule on Defendants' Motion to Dismiss (ECF No. 37) and remanded the matter to the Magistrate Judge for consideration along with Plaintiff's Motion to Amend (ECF No. 52). Plaintiff has since filed objections to the Report (ECF No. 64), and would like this court to reconsider its review of the Report in light of Plaintiff's objections. (ECF No. 63.)

A court may alter or amend a judgment if the movant shows either (1) an intervening change in the controlling law; (2) new evidence that was not previously available; or (3) that there has been a clear error of law or a manifest injustice. *See Robinson v. Wix Filtration Corp.*, 599 F.3d 403, 407 (4th Cir. 2010). Plaintiff has not cited any new law or evidence. Additionally, Plaintiff has not shown that he will suffer a manifest injustice as a result of the court's Order (ECF No. 59), or that the court's Order was a clear error of law. Although Plaintiff asserts that he was

unable to file objections to the Report on time due to family circumstances beyond his control, this court applied the appropriate standard of review when reviewing the Report of the Magistrate Judge. Further, this court has reviewed Plaintiff's late-filed objections and finds that employing a heightened standard of review in light of Plaintiff's objections would not have changed the result. Accordingly, Plaintiff's Request for Reconsideration (ECF No. 63) is **DENIED**.

IT IS SO ORDERED.



United States District Judge

August 29, 2016
Columbia, South Carolina